GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – CT Department - Surprise Check conducted over the Integrated Check Post, Purushothtapuram, Itchapuram Mandal, Srikakulam District on 27.11.2015 – Certain irregularities noticed – Common Disciplinary Proceedings initiated – Articles of charges against Smt. R.Chandini Samuel, ACTO, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991– Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1028 **Dated:11.10.2019**

Read the following:-

Ref:- 1. From the DG, ACB,Lr.No.161/RCO-VSK/2015, dt:08-01-2018.
2. Govt.Memo No.17023/2/2018-Vig.II-2, Dated:28-03-2018.
3. From the DG, ACB, AP, Vijaywada, Lr Rc.No. 161/RCO-VSK/2015, dated: 3.07.2019.
4. G.O.Ms No.428, Revenue (Vig.II) Dept, dated:11.10.2019.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Smt. R.Chandini Samuel, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Smt. R.Chandini Samuel, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is directed to submit within ten days of the receipt of this order a written statement of her defense.

4. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Smt. R.Chandini Samuel, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is further informed that if she does not submit her written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against her ex-parte.

6. Attention of Smt. R.Chandini Samuel, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct)

Contd.,2

Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to his service under Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that she is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Smt. R.Chandini Samuel, ACTO, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) **through** the Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

SF / SC.

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SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SMT. R.CHANDINI SAMUEL, AGE 57 YRS, ASST., COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ITCHAPURAM MANDAL, SRIKAKULAM DISTRICT.

That Smt. R.Chandini Samuel, Assistant Commercial Tax officer, Commercial Tax Department at Integrated Check Post, Purushottapuram joined in Government Service on 08.12.1986 as Junior Asst O/o Deputy Commissioner (Commercial Taxes), Vizianagaram and she worked as such at various places in Viziangaram and she was promoted as Senior Assistant on 13.07.2005 at O/o Commercial Tax Officer, Anakapalli. Further he promoted as Assistant Commercial Tax Officer on 06.07.2012 at O/o Commercial Tax Officer, Chinawaltair, Visakhapatnam and later she was transferred and posted at Office of Administrative Officer, Integrated Check Post, ltchapuram and worked there from 08.11.2014 to 27.11.2015 i.e. date of surprise check while working as Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Itchapuram (M) she has committed the following grave misconduct in as much as.

CHARGE:-

That Smt. R.Chandini Samuel, while working as Assistant Commercial Tax officer, Commercial Tax Department at Integrated Check Post, Purushottapuram was found absent for duty at the time of surprise check from her shift duty i.e. from 0200PM to 0900 PM on 27.11.2015 without applying for leave or without taking any permission and violated Rule 4(i) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus Smt. R.Chandini Samuel, Assistant Commercial Tax officer, Commercial Tax Department by her above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SMT R.CHANDINI SAMUEL, AGE 57 YRS, ASST., COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST PURUSHOTTAPURAM, ITCHAPURAM MANDAL, SRIKAKULAM DISTRICT.

Smt. R.Chandini Samuel, Asst Commercial Tax officer, Commercial Tax Department at Integrated Check Post, Purushottapuram is native of Vizianagaram. Her date of birth is 11.06.1961. She joined in Government Service on 08.12.1986 as Junior Assistant, O/o. Deputy Commissioner (Commercial Taxes), Vizianagaram and she worked as such at various places in Vizianagaram and she promoted as Senior Assistant on 13.07.2005 at O/o Commercial Tax Officer, Anakapalli. Further she was promoted as Assistant Commercial Tax Officer on 06.07.2012 and worked at O/o Commercial Tax Officer, Chinawaltair, Visakhapatnam and later she was transferred and posted at Office of Administrative Officer, Integrated Check Post, Itchapuram and worked there from 08.11.2014. She is drawing basic pay of Rs.52,590/- and she attains the age of superannuation on 30.06.2021. She is here-in-after referred to as Government Servant.

That on receipt of credible information that the employees of the Integrated Check Post, Itchapuram, Srikakulam were indulging in corrupt practices and habitually collecting illegal gratifications directly and also through unauthorized agents (private persons) by abusing their official positions from the crew members/ owners of the vehicles, passing through the check-post, without conducting physical verification of the vehicles, connected records of the goods being transported and vehicles and thereby causing pecuniary advantage for themselves and pecuniary loss to the Government exchequer. The Deputy Superintendent of Police and staff along with mediators left the Anti Corruption Bureau office in vehicles and reached the Integrated Check Post, Itchapuram and watched the happenings at the respective counters for five minutes and organized a surprise check on the Integrated Check Post, Itchapuram in the presence of mediators by the Deputy Superintendent of Police with the assistance of other officers, staff of Anti Corruption Bureau and staff of Armed Reserve Force of Srikakulam from 2000 Hrs on 27.11.2015 to 01.30 Hrs on 28.11.2015 and the mediators prepared the proceedings.

During the proceedings, the Deputy Superintendent of Police deployed their staff at all counters and requested the mediators to watch the happenings in the counters to know how the bribe amounts are being collected in the check post. The surprise check party noticed that some persons are collecting mamools from the crew members and owners of the vehicles on behalf of the employees of the check post at the counters of commercial taxes Department and Agricultural Market Committee of Integrated Check post and apprehended the eight private persons, when they tried to escape from the aforesaid counters and seized an amount of Rs.26,230/- from their possession and examined them and recorded their statements in the presence of mediators. During the proceedings, the Deputy Superintendent of Police and his staff thoroughly checked the office premises and noticed number of small wads of currency notes of Rs.6,160/-on the computer table besides the computer in the server room. The Deputy Superintendent of Police enquired with the employees of the commercial Taxes Department about the cash found at the server room, they kept quiet. Further the Deputy Superintendent of Police secured the presence of drivers and examined them and recorded their statements and the seized the records for enquiry purpose.

Contd.,2

As prima-facie evidence emerged in this case against a number of Government servants and private persons, a case in Crime No.11/RCO-ACB/SKL/2015 U/Ss 13(1) (d) and r/w 13(2) of Prevention of Corruption Act, 1988 and Sections 120(B) and 109 IPC r/w. 34 IPC was registered on 28.11.2015 at 1615 hrs against five Government officials and eight (8) Private persons and investigated into.

During the proceedings, at the request of the Deputy Superintendent of Police, the Assistant Commercial Tax Officer Sri P. Venkateswara Rao produced the duty charts of the employees of all the departments of the check post. The Deputy Superintendent of Police seized the duty charts containing 7 sheets for the month of November, 2015. On verification, Smt. Chandini Samuel, Assistant Commercial Tax Officer was found absent for duty at the time of surprise check. On enquiry, Sri P. Venkateswara Rao stated that she did not attend for duty without leave or permission.

During enquiry, the duty charts of all departments of the check post were collected and as per the duty charts, the Government Servant is supposed to be present (on duty) from 0200 PM to 0900 PM on 27.11.2015 in the check post but she was found absent for duty in the prescribed time as per the duty chart.

Hence the Government Servant was found absent for duty at the time of surprise check from her shift duty i.e. from 0200 PM to 0900 PM on 27.11.2015 without applying for leave or without taking any permission and violated Rule 4(i) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant by her above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered herself liable for regular departmental action for major penalty.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS:

1.	FIR along with occurrence report.
2.	Original Surprise Check Proceedings from 2000 hrs on 27.11.2015 to 0130 hrs on 28.11.2015 drafted at Integrated Check Post, Purushottapuram, Itchapuram of Srikakulam District
3.	Duty Register of staff, ICP, Itchapuram
4.	Duty charts of Employees.
5.	Letters R.C.No.17/2015 HC, dated 31.12.2015 and R.C.No.17/2015 HC, dated 16.03.2016 of AO, ICP, Itchapuram

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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ANNEXURE-IV

LIST OF WITNESSES:-

1.	Sri Velamala Yogeswara Rao, S/o Arjuna Rao, age 29 years, Asst. Executive Engineer, R&B Special Section-II, Special Sub Division, Srikakulam, R/o Challavanipeta, Jalumuru Mandal, Srikakulam District.
2.	Sri Gorribanda Yerra Rao, S/o Rama Rao, Senior Asst, R&B Special SectionII, Special Sub Division, Srikakulam, R/o LIG-II, APHB Colony, Near Collector Bungalow, Srikakulam District.
3.	Sri P.Venkateswara Rao, ACTO, Commercial Taxes Dept, O/o the Integrated Check post, Itchapuram, Srikakulam.
4.	Sri C. Venkata Narayana Reddy, CTO, Administrative officer, Integrated check post, Itchapuram, Srikakulam.
5.	Sri K. Rangaraju, DSP, ACB, Srikakulam.
6.	Sri P. Srinivasarao, Inspector of Police, Anti Corruption Bureau, Srikakulam.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

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